

S
362.4
S26AR
1974

PLEASE RETURN

STATE DOCUMENTS DIVISION

1974

Montana State Library
101 S. Broadway
Helena, Montana 59601

PROTECTIVE SERVICES
TO DEVELOPMENTALLY DISABLED
IN MONTANA

Montana State Library



3 0864 1006 1063 6

A REPORT ON:

PROTECTIVE SERVICES OFFERED TO DEVELOPMENTALLY DISABLED PERSONS
FROM JULY 1, 1973 THROUGH DECEMBER 31, 1974 by THE SOCIAL SERVICES
BUREAU, COMMUNITY SERVICES DIVISION, DEPARTMENT OF SOCIAL AND
REHABILITATION SERVICES

REPORT TO: MONTANA STATE LEGISLATURE

COMPILED BY: Don Sekora,
Social Services Specialist
Social Services Bureau
Department of Social and
Rehabilitation Services

APPROVED:



Norma Cutone, Chief
Social Services Bureau



E. J. Malensek, Administrator
Community Services Division

DATE: December 31, 1974

TABLE OF CONTENTS

- I. INTRODUCTION
- II. PROTECTIVE SERVICES BY COUNTY
 - Clients Served
 - Number of Services
 - Hours Spent
 - Cost
- III. SUMMARY OF PROTECTIVE SERVICES
- IV. LEGAL SERVICES ASPECT OF THE PROTECTIVE SERVICES ACT
- V. EVALUATION
- VI. PROJECTIONS
 - Numerical
 - Fiscal
- VII. GENERAL SUMMARY OF REPORT

I. INTRODUCTION

This report to the Legislature is being compiled by the Social Services Bureau, Community Services Division, Department of Social and Rehabilitation Services, to fulfill the requirement of Section 71-1910 of the Revised Codes of Montana, 1947, as amended.

The Protective Services Act for Developmentally Disabled persons was passed in the 1973 Legislative session and was assigned to be implemented and administered by the Department of Social and Rehabilitation Services. The actual implementation and administration of this act was left to the responsibility of the Social Services Bureau. In July of 1973, policy and procedures for implementing this act were released to field social service staff. The policy and procedures were revised in August of 1974 and again distributed. The current policy and procedures implementing this act are found in the Administrative Codes, Section 46-2.6 (6) - S 6480 through Section 46-2.6 (6) - 6500.

A basic summary of what this act provides for is necessary so that the reporting statistics contained in this report have some meaning.

The Protective Services Act provides for protective services to the developmentally disabled persons in Montana. It provides for SRS and the Social Services Bureau to provide either voluntary or legal protective services.

Under Voluntary Services, the agency's social service staff offers services to a developmentally disabled person so that he or she can maintain his or her own physical, mental and economic well-being. Under voluntary services, the developmentally disabled person is assisted by the social worker in obtaining the following services: a) housing, clothing, food; b) education and training for living in society; c) employment or education or training for employment; d) financial benefits; e) medical services and supplies; f) legal services; g) protection of property; h) budgeting use of money; i) participation in community activities; j) prevention of exploitation or injury to the person.

Under legal protective services, this agency acts on behalf of the developmentally disabled person who is unable physically or mentally to act on his own behalf.

In legal protective services, the social worker in the field has two basic options when it becomes apparent that the agency will actually have to manage the economic and even personal affairs of a developmentally disabled person. The first option is to take legal guardianship under the provisions established in the act itself. Guardianship must be taken if the agency is handling the economic resources of a client whose total resources exceed \$3,000.

If we are to manage a client's resources and his total resources are \$3,000 or less, the field social worker can take a voluntary trust, which in essence, the client agrees to having SRS handle his or her money under a legal contract arrangement.

If these two options are chosen, a person's fiscal assets are handled by the SRS Fiscal Bureau. Any person under legal services also receives assistance in obtaining the services listed in the above paragraph.



Digitized by the Internet Archive
in 2012 with funding from
Montana State Library

<http://archive.org/details/reportonprotecti1974mont>

II. PROTECTIVE SERVICES TO THE DEVELOPMENTALLY DISABLED BY COUNTY FROM
JULY 1, 1974 THROUGH DECEMBER 31, 1974

In this report, we will list the county, the number of Developmentally Disabled services, how many separate services they received, how many manhours were spent on serving them and the total cost to deliver those services.

<u>COUNTY</u>	<u>NO. SERVED</u>	<u>NO. OF SERVICES</u>	<u>MAN HOURS SPENT</u>	<u>COST</u>
Beaverhead	5	12	144	\$ 907.20
Big Horn	10	22	432	2,721.60
Blaine	17	25	720	4,536.00
Broadwater	4	7	108	680.40
Carbon	14	39	270	1,701.00
Carter	-0-	-0-	-0-	-0-
Cascade	54	147	2,880	18,144.00
Chouteau	-0-	-0-	-0-	-0-
Custer	16	38	360	2,268.00
Daniels	-0-	-0-	-0-	-0-
Dawson	-0-	-0-	-0-	-0-
Deer Lodge	19	38	864	5,443.20
Fallon	-0-	-0-	-0-	-0-
Fergus	20	44	1,152	7,257.60
Flathead	28	103	1,440	9,072.00
Gallatin	17	29	450	2,835.00
Garfield	-0-	-0-	-0-	-0-
Glacier	9	19	720	4,536.00
Golden Valley	-0-	-0-	-0-	-0-
Granite	2	7	54	340.20
Hill	17	39	540	3,402.00
Jefferson	57	119	412	2,595.60
Judith Basin	3	7	144	907.20
Lake	24	206	2,376	14,968.80
Lewis and Clark	85	172	3,006	18,937.80
Liberty	1	2	54	340.20
Lincoln	11	31	540	3,402.00
Madison	-0-	-0-	-0-	-0-
McDone	-0-	-0-	-0-	-0-
Meagher	2	2	36	226.80
Mineral	5	7	144	907.20
Missoula	54	77	3,348	21,092.40
Musselshell	-0-	-0-	-0-	-0-
Park	5	6	144	907.20
Petroleum	-0-	-0-	-0-	-0-
Phillips	17	51	792	4,989.60
Pondera	10	40	450	2,835.00
Powder River	-0-	-0-	-0-	-0-
Powell	7	32	558	3,515.40
Prairie	-0-	-0-	-0-	-0-
Ravalli	17	40	180	1,134.00
Richland	4	13	126	793.80

<u>COUNTY</u>	<u>NO. SERVED</u>	<u>NO. OF SERVICES</u>	<u>MAN HOURS SPENT</u>	<u>COST</u>
Roosevelt	6	9	36	226.80
Rosebud	1	1	4	25.20
Sanders	18	48	720	4,536.00
Sheridan	-0-	-0-	-0-	-0-
Silver Bow	98	291	11,340	71,442.00
Stillwater	2	4	540	3,402.00
Sweet Grass	-0-	-0-	-0-	-0-
Teton	2	6	162	1,020.60
Toole	7	29	360	2,268.00
Treasure	-0-	-0-	-0-	-0-
Valley	11	31	1,098	6,917.40
Wheatland	-0-	-0-	-0-	-0-
Wibaux	-0-	-0-	-0-	-0-
Yellowstone	153	646	5,976	37,648.80
TOTALS	882	2,439	42,680	\$268,884.00

III. SUMMARY OF PROTECTIVE SERVICES

A total of 882 developmentally disabled persons received protective services from the Social Services Bureau, Department of Social and Rehabilitation Services.

2,439 separate services were given to these developmentally disabled people.

42,680 man hours were spent on delivering these services.

The total cost of delivering these services was \$268,884.00. This cost came from the Social Services budget since no money was appropriated for services in this Act. Seventy five per cent, or \$201,663.00 of this money came from Federal matching and twenty five per cent, or \$67,221.00 came from state and county funds.

A brief statement about the type of services used the most: Almost all of the clients received help in obtaining and maintaining living situations, such as nursing homes, adult foster homes or group homes. Over half received assistance in obtaining medical services and about half received assistance in obtaining education and training for living in society and participation in community activities.

Education and training for community living and community participation services are provided by a Purchase of Service Contract the Social Services Bureau has with the Developmental Disabilities Bureau of SRS. Services under this contract are popularly called Title 45 Services and approximately \$622,846.49 was expended on these in the last year and a half. Seventy five per cent, or \$467,142.36 was Federal matching money and twenty five per cent or \$155,714.12 was state or local money.

IV. LEGAL SERVICES ASPECT OF THE PROTECTIVE SERVICES ACT

12 The Social Services Bureau of SRS has taken legal guardianship of developmentally disabled persons throughout Montana.

This Bureau has entered into 14 voluntary trust agreements with developmentally disabled clients.

As a result of these actions, the SRS Fiscal Bureau is handling \$41,386.00 on behalf of the 26 developmentally disabled clients cited above.

V. EVALUATION

As indicated by the statistical data offered in the preceding portion of this report, it is obvious that the implementation of the Protective Services Act is well under way, especially in regard to offering assistance in obtaining the listed services.

In regard to the legal provisions of the Act being implemented, the statistics indicate a slower start.

The reason for the slower start in obtaining legal guardianships or trusts is first of all due to the fact that the law was not entered into the law book supplement until late September 1973. After that, we proceeded with attempts to obtain guardianships but due to crowded court calendars, no money for courts costs being provided and protests that SRS was violating a developmentally disabled person's rights by taking them to court, few guardianships were obtained. Those that were, only came about through great difficulty.

In the fall of 1974, the Voluntary Trust plan was implemented with the advice of this Department's attorney and others. This program is developing very rapidly and many accounts are now being transferred from BRSH to SRS under this new plan. One drawback in the Protective Services Act's legal aspects was that it did not provide any protection to the social workers that were involved in planning for the fiscal expenditures of a developmentally disabled person's resources. Also, the Voluntary Trust was not explicitly authorized by the Act. SRS is contemplating amendments to cover these two facets.

In conclusion, it is felt that the Protective Services Act is a workable piece of legislation and that it has provided for invaluable services to a good number of developmentally disabled persons. The potential for the Act is that it will provide for increased numbers of developmentally disabled people being served and its only limitation will, of course, be the fiscal limitations imposed on it.

VI. PROJECTIONS

In this section, we intend to project what offering protective services to the developmentally disabled in the next two years will entail from a numerical and fiscal aspect.

1. Numerical

In looking at projections for the additional number of clients that will need protective services, we can look at the first indicated projection which comes from referrals BRSB has already made to our Bureau. This referral included 162 developmentally disabled persons living in Montana communities and BRSB continues to manage their fiscal accounts.

As prescribed by the Protective Services Act, their accounts must now be transferred to SRS. A second indicated projection is that BRSB intends to discharge 300 people in the next two years. We feel all of these will need some service encompassed by the Protective Services Act. Thus, we know that we will have 462 additional clients to serve in the next two years.

This projection does not include the additional people already in the community that will come in for protective services; by the previous trend, we expect 75 more clients. Thus, the projected additional clients we will have to serve as a result of the Protective Services Act is 537.

2. Fiscal

If we take the numerical increase, we can see that there will be a 61% increase in the client caseload. If we take this projection into the fiscal area, it will cost an additional \$205,024.00 to offer protective services to the increased client load. Seventy five per cent or \$153,768.00 of this figure could be Federal monies and twenty-five per cent or \$51,256.00 would have to be State and local funds.

With the increase in the number of clients, the services our Bureau will have to purchase will increase also. The increase in training and education for community living services and community participation services we would have to purchase could amount to an increase of \$474,921.97, with 75% or \$356,191.47 of that being Federal dollars and 25% or \$118,730.49 to be State or local dollars.

Special Fiscal Requirements

If we transfer all the 162 accounts from BRSB to SRS, we will be handling a total of \$138,241.38 in client's funds. With this \$96,855.38 increase, the Fiscal Bureau of SRS will need an additional staff person costing \$9,500.00, 50% of which could be Federal matching. Thus, the State would need to come up with \$4,750.00.

A final special fiscal requirement is that with the increased need for placements into living situations if BRSB discharges 300

additional clients, we will need \$635,700.00 in State money to supplement the Social Security Supplemental Income payments to insure adequate foster home and group home payments.

State Fiscal Requirements Summary

Protective Services	\$ 51,256.00
Purchase of Special Services	118,730.49
Fiscal Staff Person	4,750.00
Supplementation for living situations	635,700.00
 Total State Money required in addition to previous bienniums' requirement	 \$ 810,436.49

VII. GENERAL SUMMARY OF REPORT

Number of people who received protective services	882
Number of separate services offered	2,439
Number of hours spent on giving protective services (not including purchased services)	42,680
Total Cost of Giving Protective Services	\$891,730.49
From July 1, 1973 through December 31, 1974	
Includes both direct and purchased services	
Projected fiscal requirement for State Money to cover the increases in protective services	\$810,436.49
Total Projected Cost of Offering Protective Services to the increased caseload for the 1975-1976 Biennium . . . Both Federal and State	

\$1,325,145.96

 *

* This figure is based on current service delivery expectations and does reflect an increase of serving 537 Developmentally Disabled People but does not reflect increases in the number and quality of services needed that could be offered to developmentally disabled persons in Montana if substantial increases in funding were made available.

